

111TH CONGRESS
2D SESSION

H. R. 2476

IN THE SENATE OF THE UNITED STATES

AUGUST 2, 2010

Received

AN ACT

To amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that are subject to ski area permits, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Ski Area Recreational
3 Opportunity Enhancement Act of 2010”.

4 **SEC. 2. PURPOSE.**

5 The purpose of this Act is to amend the National
6 Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b)—

7 (1) to enable snow-sports (in addition to nordic
8 and alpine skiing) to be permitted on National For-
9 est System land, subject to ski area permits issued
10 by the Secretary of Agriculture under section 3 of
11 the National Forest Ski Area Permit Act of 1986
12 (16 U.S.C. 497b); and

13 (2) to clarify the authority of the Secretary to
14 permit appropriate additional seasonal or year-round
15 recreational activities and facilities on National For-
16 est System land, subject to ski area permits issued
17 by the Secretary under section 3 of the National
18 Forest Ski Area Permit Act of 1986 (16 U.S.C.
19 497b).

20 **SEC. 3. SKI AREA PERMITS.**

21 Section 3 of the National Forest Ski Area Permit Act
22 of 1986 (16 U.S.C. 497b) is amended—

23 (1) in subsection (a), by striking “nordic and
24 alpine ski areas and facilities” and inserting “ski
25 areas and associated facilities”;

(2) in subsection (b), in the matter preceding paragraph (1), by striking “nordic and alpine skiing operations and purposes” and inserting “skiing and other snow-sports and such other seasonal or year-round recreational activities associated with mountain resorts as the Secretary may authorize pursuant to subsection (c)”;

(3) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(4) by inserting after subsection (b) the following:

“(c) OTHER RECREATIONAL USES.—

“(1) AUTHORITY OF SECRETARY.—Subject to paragraphs (2) and (3), the Secretary may authorize the holder of a ski area permit issued pursuant to subsection (b) to provide on National Forest System land subject to the ski area permit such other seasonal or year-round natural resource-based recreational activities and associated facilities or improvements (in addition to skiing and other snow-sports) as the Secretary determines to be appropriate.

“(2) REQUIREMENTS.—Any activity, facility, or improvement authorized by the Secretary under paragraph (1) shall—

1 “(A) encourage outdoor recreation and en-
2 joyment of nature;

3 “(B) to the extent practicable, harmonize
4 with the natural environment of the National
5 Forest System land on which the activity, facil-
6 ity, or improvement is located;

7 “(C) to the extent practicable, be located
8 within the portions of the ski permit area that
9 are developed to support skiing and other snow
10 sports;

11 “(D) be consistent with the applicable for-
12 est management plan and all other applicable
13 laws; and

14 “(E) be subject to such terms and condi-
15 tions as the Secretary determines to be appro-
16 priate.

17 “(3) NO CHANGE IN PURPOSE.—

18 “(A) PURPOSE TEST.—The Secretary may
19 not authorize an activity, facility, or improve-
20 ment under paragraph (1) if the Secretary de-
21 termines that the authorization of the activity,
22 facility, or improvement would result in the pri-
23 mary recreational purpose of the National For-
24 est System land subject to the ski area permit

1 to be a purpose other than skiing or any other
2 snow-sport.

3 “(B) REVENUE TEST.—To ensure that
4 National Forest System lands subject to a ski
5 area permit continue to be used predominately
6 for skiing and other snow sports, the Secretary
7 may authorize an activity, facility, or improve-
8 ment under paragraph (1) only to the extent
9 that the majority of the revenue of the ski area
10 is generated by the sale of lift tickets and fees
11 for ski and other snow-sport rentals, skiing and
12 other snow-sport instruction, ski trail passes for
13 the use of trails maintained by the permit hold-
14 er, and ancillary facilities related to the oper-
15 ation and support of skiing and other snow-
16 sport activities.

17 “(4) BOUNDARY CHANGES.—When determining
18 the boundary of a ski area permit under subsection
19 (b)(3), the Secretary shall not consider the need for
20 activities other than skiing and other snow-sports.

21 “(5) EFFECT ON EXISTING AUTHORIZED AC-
22 TIVITIES AND FACILITIES.—Nothing in this sub-
23 section affects any activity or facility authorized by
24 a ski area permit in effect on the date of enactment

1 of this subsection during the term of the permit.”;
2 and

3 (5) in subsection (d) (as redesignated by para-
4 graph (3))—

5 (A) by striking “Within one year after the
6 date of enactment of this Act, the” and insert-
7 ing “Not later than 18 months after the date
8 of enactment of the Ski Area Recreational Op-
9 portunity Enhancement Act of 2010, the”; and

10 (B) by striking “within 3 years of the date
11 of enactment of this Act”.

12 **SEC. 4. EFFECT.**

13 Nothing in this Act (including the amendments made
14 by this Act) affects—

15 (1) any authority of the Secretary of Agri-
16 culture (including the authority of the Secretary
17 with respect to recreational activities or infrastruc-
18 ture located on National Forest System land) under
19 any Federal law (including regulations) other than
20 the National Forest Ski Area Permit Act of 1986
21 (16 U.S.C. 497b); and

22 (2) any duty of the Secretary under the Na-
23 tional Environmental Policy Act of 1969 (42 U.S.C.
24 4321 et seq.).

1 **SEC. 5. STATUTORY PAY-AS-YOU-GO LANGUAGE.**

2 The budgetary effects of this Act, for the purpose of
3 complying with the Statutory Pay-As-You-Go Act of 2010,
4 shall be determined by reference to the latest statement
5 titled “Budgetary Effects of PAYGO Legislation” for this
6 Act, submitted for printing in the Congressional Record
7 by the Chairman of the House Budget Committee, pro-
8 vided that such statement has been submitted prior to the
9 vote on passage.

Passed the House of Representatives July 30 (legis-
lative day July 29), 2010.

Attest: LORRAINE C. MILLER,
Clerk.

By ROBERT F. REEVES,
Deputy Clerk.